

CHAPTER 8

AIRPORT ZONING

ARTICLE A. AIRPORT ZONING PROVISIONS¹

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14-8A-1: **SHORT TITLE:** This chapter shall be known and may be cited as the *IOWA CITY MUNICIPAL AIRPORT ZONING ORDINANCE* or the *AIRPORT ZONING ORDINANCE*. (Ord. 02-4055, 12-10-2002)

14-8A-2: **PURPOSE:** The purpose of this chapter shall be to:

- A. Exercise, to the fullest extent possible, the powers granted to municipalities under the code of Iowa, as

amended, and to codify existing regulations of the federal aviation administration relating to land uses incompatible with or constituting a hazard to aviation at the Iowa City municipal airport.

- B. Promote the public health, safety, order, convenience, prosperity and general welfare through the prevention of obstructions and noncompatible land uses, to the extent legally possible, by proper exercise of the police power, without compensation.

- C. Achieve the mitigation of non-compatible uses and hazards to safe air navigation through prevention, removal, or alteration, through the marking and lighting of obstructions, which are public purposes for which the city of Iowa City and Johnson County may raise and expend public funds, or through the acquisition of land or interests in land; to that end, the city council of Iowa City and the board of supervisors of Johnson County hereby declare that:

1. A hazard created by failure to comply with the provisions of this chapter may be abated in the manner prescribed by law for the abatement of public nuisances; and

2. Neither political subdivision shall become liable for the expenditure of its public funds unless such expenditure shall have been approved in ad-

1. See title 13 of the city code for airport regulations.

vance by its governing body. (Ord. 02-4055, 12-10-2002)

14-8A-3: DEFINITIONS: For the purposes of this chapter, the following definitions shall apply unless the context requires otherwise. In each case the singular shall include the plural and the plural shall include the singular.

AERIAL NAVIGATION: The movement of an aircraft through the air.

AIRCRAFT: Any human controlled contrivance used or designed for carrying humans in flight through the air, but not including parachutes.

AIRPORT: The Iowa City municipal airport.

AIRPORT COMMISSION: The Iowa City municipal airport commission or its duly appointed representative.

AIRPORT ELEVATION: Six hundred eighty four feet (684') (MSL).

AIRPORT HAZARD: Any structure, or tree, or use of land, which would exceed the federal obstruction standards as contained in 14 CFR FAR, part 77, and which obstructs or is otherwise hazardous to the landing or departure of any aircraft at the airport, or hazardous to persons or property on the ground. Any structure or tree that the federal aviation administration has found, or determined, to be a hazard.

AIRPORT HAZARD AREA: Any area of land or water upon which an airport hazard might be established if not prevented as provided by this chapter.

AIRPORT ZONING MAP: The Iowa City municipal airport zoning map, dated March

25, 2002, and as thereafter amended by ordinance, which map is adopted by this chapter and which map is on file in the office of the city clerk, Iowa City, Iowa.

BUILDING OFFICIAL: The building official of Iowa City, Iowa, or a duly authorized designee thereof.

CITY: The city of Iowa City, Iowa.

COUNTY: Johnson County, Iowa.

FEDERAL AVIATION ADMINISTRATION (FAA): An agency of the United States government that administers the federal regulations that relate to the use and flight of aircraft, and related regulations. The location of the controlling FAA office may be found in subsection 14-8A-19A, "Appendix I", of this article.

INNER EDGE: That edge of any zone that is closest to the runway end to which the zone applies. The inner edge is perpendicular to the runway centerline. The elevation of each inner edge is the same as the elevation of the runway threshold to which it applies, and which is depicted on the airport zoning map, dated March 25, 2002, and as thereafter amended by ordinance, which map is adopted by this chapter and which map is on file in the office of the city clerk, Iowa City, Iowa.

MSL: Altitude above mean sea level.

NONCOMPATIBLE USE: Any activity that would degrade the safety of people on the ground, or occupants of aircraft in flight, including, but not limited to, storage of hazardous materials, aboveground storage of flammable liquids in excess of six hundred sixty (660) gallons, and those that lead to an assembly of people, including, but not limited to, residences, theaters, churches,

schools, athletic fields, campgrounds, hospitals, office buildings, shopping centers, hotels and motels, and other uses with similar concentrations of persons.

NONCONFORMING STRUCTURE: Any structure or portion of any structure that is located within or underlying any of the zones created by this article and that does not conform to the height and/or use provisions of this article.

NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION: A requirement of 14 CFR chapter 1, part 77, providing for persons who propose any kind of construction or alteration of the type described in the section to provide notice to the FAA of such action. A copy of part 77 may be found in subsection 14-8A-19C, "Appendix III", of this article.

OBSTRUCTION: Any structure or tree, the height of which exceeds that which is allowed by this article.

PERSON: Any individual, firm, copartnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, assignee or other similar representative thereof.

RUNWAY THRESHOLD: A designated point on any airport runway that establishes the end of the runway. The runway threshold may or may not correspond with the end of the paved portion of the runway.

STRUCTURE: Any object, whether permanent or temporary, stationary or mobile, constructed or installed by humans, including, but not limited to: buildings, towers, smokestacks, scaffolds, lighting fixtures, public and private roads, railways, and overhead transmission lines, including

poles or other structures supporting the same.

TREE: Any object of natural growth.

ZONING ADMINISTRATOR: The zoning administrator of Johnson County, Iowa, or a duly authorized designee thereof. (Ord. 02-4055, 12-10-2002)

14-8A-4: AIRPORT ZONES: In order to carry out the provisions of this section there are hereby created and established certain zones which are adopted and described herein, and which are depicted on the Iowa City airport zoning map, dated March 25, 2002, and as thereafter amended by ordinance, which map is adopted by this article and which map is on file in the office of the city clerk, Iowa City, Iowa. Any structure or tree located in more than one zone is considered to be only in the zone with the more restrictive height and use limitation. The various zones hereby established and defined are as follows:

A. **Approach Overlay Zone (AO) Defined:** The airspace above a sloping plane extending outward from each end of each runway, rising uniformly at a fixed ratio, and of fixed size, through which aircraft commonly operate when arriving at, and departing from, the airport. AO zones vary in size and slope based upon the present or future use that can be expected for each airport runway.

1. The AO zones at the airport are as follows:

a. **Runway 25 (AO25):** Beginning two hundred feet (200') beyond the runway threshold to the northeast, and

centered on the extended centerline of the runway, the inner edge of the zone is one thousand feet (1,000') wide, expanding uniformly to an outer edge width of sixteen thousand feet (16,000'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning map. For each fifty feet (50') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (50:1) for a horizontal distance of ten thousand feet (10,000'), and then rising, for each forty feet (40') of horizontal distance, one foot (1') (40:1) for an additional distance of forty thousand feet (40,000').

b. Runway 7 (AO7): Beginning one thousand feet (1,000') beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is one thousand feet (1,000') wide, expanding uniformly to an outer edge width of one thousand five hundred feet (1,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning map. For each twenty feet (20') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (20:1), continuing for a total horizontal distance of five thousand feet (5,000').

c. Runway 30 (AO30): Beginning two hundred feet (200') beyond the threshold at the southeast end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of three thousand

five hundred feet (3,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning map. For each thirty four feet (34') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (34:1), for a total horizontal distance of ten thousand feet (10,000').

d. Runway 12 (AO12): Beginning two hundred feet (200') beyond the paved portion at the end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of one thousand five hundred feet (1,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning map. For each twenty feet (20') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (20:1), continuing for a total horizontal distance of five thousand feet (5,000').

e. Runway 36 (AO36): Beginning two hundred feet (200') beyond the paved portion at the south end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of three thousand five hundred feet (3,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning map. For each thirty four feet (34') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (34:1), for a total horizon-

tal distance of ten thousand feet (10,000').

f. Runway 18 (AO18): Beginning two hundred feet (200') beyond the threshold at the north end of the runway and centered on the extended centerline of the runway, the inner edge of the zone is five hundred feet (500') wide, expanding uniformly to an outer edge width of one thousand five hundred feet (1,500'). The altitude of the inner edge is the same as the altitude of the runway threshold at the centerline, as depicted on the airport zoning map. For each twenty feet (20') of horizontal distance, the floor of the zone rises from the inner edge one foot (1') (20:1), continuing for a total horizontal distance of five thousand feet (5,000').

2. Height Limitations:

a. Except as otherwise provided herein, no person shall construct or alter any structure, nor plant or grow any tree, so as to penetrate any approach overlay zone created herein.

b. No person shall establish or maintain any private roadway in any location that would result in penetration of any AO zone by any portion of any vehicle that shall be permitted to operate upon such roadway.

B. Controlled Activity Zone (CA) Defined: An area of fixed size, underlying the innermost portion (closest to the runway end) of the AO zone for that runway, descending from the floor of the AO zone to the ground. The width and length of CA zones may vary, and may be different on each runway end.

1. The CA zones for the airport are as follows:

a. Runway 25 (CA25): Underlying the innermost one thousand seven hundred feet (1,700') of the AO zone at the northeast end of the runway, the width of the CA zone is one thousand feet (1,000') at the inner edge and expands uniformly to a width of one thousand five hundred ten feet (1,510').

b. Runway 7 (CA7): Underlying the innermost one thousand seven hundred feet (1,700') of the AO zone at the southwest end of the runway, the width of the CA zone is five hundred feet (500') at the inner edge and expands uniformly to a width of one thousand ten feet (1,010').

c. Runway 30 (CA30): Underlying the innermost one thousand feet (1,000') of the AO zone at the southeast end of the runway, the width of the CA zone is five hundred feet (500') at the inner edge, expanding uniformly to a width of seven hundred feet (700').

d. Runway 12 (CA12): Underlying the innermost one thousand feet (1,000') of the AO zone at the northwest end of the runway, the width of the CA zone is five hundred feet (500') at the inner edge, expanding uniformly to a width of seven hundred feet (700').

e. Runway 36 (CA36): Underlying the innermost one thousand feet (1,000') of the AO zone at the south end of the runway, the width of each CA zone is two hundred fifty feet (250') at the inner edge, expanding

uniformly to a width of four hundred fifty feet (450').

f. Runway 18 (CA18): Underlying the innermost one thousand feet (1,000') of the AO zone at the north end of the runway, the width of the CA zone is two hundred fifty feet (250') at the inner edge, expanding uniformly to a width of four hundred fifty feet (450').

2. Use limitations:

a. No person shall establish or maintain any noncompatible use in any controlled activity zone.

b. No structures, other than airport structures, the location of which is dictated by function, either permanent or temporary, shall be permitted in any portion of any controlled activity zone on land that is the property of the city of Iowa City, Johnson County, or the state of Iowa.

C. Horizontal Overlay Zone (HO) Defined: The airspace above a horizontal plane, the perimeter of which is established by swinging arcs of ten thousand foot (10,000') radii from the center of the inner edge of the AO zones of runways 25, 30, and 36, and an arc of five thousand foot (5,000') radius from the center of the inner edge of the AO zone of runways 12, 7, and 18, and connecting the adjacent arcs by lines tangent to those arcs. The floor of the HO zone is one hundred fifty feet (150') above the airport elevation, or eight hundred thirty four feet (834') above mean sea level.

1. Height limitations:

a. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the horizontal overlay zone created herein.

D. Transitional Overlay Zone (TO) Defined: The airspace above a sloping plane along each side of each runway, and from the sides of each AO zone. For each seven feet (7') horizontally the floor of the zone rises at the rate of one foot (1') of elevation (7:1).

1. The TO zones for the airport are as follows:

a. Runway 25 (TO25): Along each side of the runway, beginning at a point five hundred feet (500') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at the northeast end of the runway, at right angles to the extended runway centerline. The TO zone is interrupted at the point where it intersects the HO zone, and resumes at the outer edge of the CO zone¹ and continues outward at right angles to the extended runway centerline, for a distance of five thousand feet (5,000') from the outer edge of the AO zone.

b. Runway 7 (TO7): Along each side of the runway, beginning at a point five hundred feet (500') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at the northwest end of the runway, at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.

¹. See subsection 14-8A-4E of this article.

c. Runway 30/12 (TO30/12): Along each side of the runway, beginning at a point two hundred fifty feet (250') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at each end of the runway at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.

d. Runway 36/18 (TO36/18): Along each side of the runway, beginning at a point two hundred fifty feet (250') from the centerline of the runway and at right angles to the runway centerline, and from each side of the AO zone at each end of the runway, at right angles to the extended runway centerline. The TO zone ends at the point where it intersects the HO zone.

2. Height limitations:

a. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate any transitional overlay zone created herein.

b. No person shall establish or maintain any private roadway in any location that would result in penetration of any transitional overlay zone by any portion of any vehicle that shall be permitted to operate upon such roadway.

E. Conical Overlay Zone (CO) Defined: The airspace above a sloped horizontal plane beginning at the periphery of the HO zone. For each twenty feet (20') horizontally, the floor of the zone rises one foot (1') in height (20:1) for a horizontal distance of four thousand feet (4,000').

1. See section 14-8A-7 and subsection 14-8A-19B of this article.

1. Height limitations:

a. Except as otherwise provided herein, no person shall construct or alter any structure, or plant or grow any tree, so as to penetrate the conical overlay zone created herein. (Ord. 02-4055, 12-10-2002)

14-8A-5: **GENERAL ZONING REGULATIONS:**

A. Except as otherwise provided herein, no person shall construct or alter any structure in any zone created herein without having first obtained a building permit from the building official, or a zoning permit from the zoning administrator. No person shall be issued a permit for any construction or alteration in any AO, CA, or TO zone, without a determination or finding from the FAA, pursuant to the submission of an applicable notice of proposed construction or alteration¹. Such finding or determination must not find or determine that the proposed construction or alteration:

1. Would create a hazard.

2. Would endanger the general safety, health and welfare of persons in the vicinity of the airport, or occupants of aircraft in flight.

3. Would result in the raising of the minimum instrument flight altitude of any federal airway, approved off-airway route, or instrument approach procedure to the airport.

B. Except as otherwise provided herein, no change in the use or occupancy of land, or change of use or occupancy in an existing building or in any zone

created herein shall be made, nor shall any new building be occupied until an occupancy permit has been issued by the building official or zoning administrator.

- C. No occupancy permit obtained for a specific use shall apply to any other use.
- D. No person shall be issued an occupancy permit for any noncompatible use in any CA zone.
- E. No person shall establish or maintain any private roadway in any location that would result in penetration of any zone created herein by any portion of any vehicle that shall be permitted to operate upon such roadway.
- F. Within five thousand feet (5,000') of the nearest point of the nearest airport runway, no person shall establish or maintain any structure or use that would create a bird strike hazard.
- G. Notwithstanding any other provision of this article, no person shall, in any zone created by this chapter, or upon any land or water underlying such zones:
 - 1. Establish any putrescible waste landfill.
 - 2. Create, alter, or maintain any structure or use in such a manner as to create electrical or radio interference with aviation navigational signals or aircraft communications.
 - 3. Install, align or use any lighting devices that make it difficult for pilots to distinguish between airport lights

and others, create glare in the eyes of pilots, or otherwise impair visibility.

- 4. Produce steam, smoke, or other visual hazard that would impair visibility.
- 5. Create, alter, or maintain any structure or use that would endanger or interfere with landing, takeoff or maneuvering of any aircraft.
- 6. Plant, or allow the growth of, any tree, which, during the normal life cycle of such tree, can be expected to grow into any zone created herein. (Ord. 02-4055, 12-10-2002)

14-8A-6: LIGHTING AND MARKING:

- A. Notwithstanding any other provision of this article, any person constructing or altering any structure located in any zone created by this article shall install all lighting or markings upon said structure as shall be recommended by the FAA as a part of its review of the applicant's notice of proposed construction or alteration. Such lighting or markings shall be made in a manner consistent with FAA regulations and advisories.
- B. Any permit or variance granted under the provisions of this article may be so conditioned so as to require the owner of the land, structure, or tree in question to permit the city or county to install, and/or operate and maintain such lighting and/or markings as the city or county deems necessary to indicate to operators of aircraft the presence of an airport obstruction. (Ord. 02-4055, 12-10-2002)

14-8A-7: ADMINISTRATIVE PROCEDURE:

- A. The building official or zoning administrator shall perform the administration of these zoning regulations.
- B. Any person who proposes to construct or alter any structure in or underlying any AO, CA, or TO zone created herein, and who is required to provide notice of proposed construction or alteration to the administrator of the FAA by requirements of part 77, shall furnish to the building official or zoning administrator, a copy of said notice.
- C. Except as otherwise provided herein, the building official or zoning administrator shall not issue any building permit or occupancy permit without first:
 - 1. In any AO, CA, or TO zone created herein, having received from the applicant a copy of the applicable notice of proposed construction or alteration as provided to the FAA, and the corresponding finding or determination from the FAA that the proposed construction or alteration complies with section 14-8A-4 of this chapter.
 - 2. Having determined that the proposed use is consistent with the zoning provisions contained herein. (Ord. 02-4055, 12-10-2002)

14-8A-8: EXCEPTIONS:

- A. No notice of proposed construction or alteration is required to be submitted to the FAA or to the building official or

zoning administrator for a building permit for construction or alteration of any structure when the building official or zoning administrator has determined that:

1. The proposed structure meets the requirements for shielding. Each and all of the following requirements are required for a determination of shielding:

a. The property upon which the construction or alteration is proposed is located within the congested area of a city.

b. The proposed structure does not lie within any CA zone.

c. There exists a structure or structures of a permanent and substantial nature at least as tall and at least as wide as the proposed structure, and which lie(s) between the location of the proposed construction or alteration, and a point on the runway centerline at the threshold of the closest end of the closest runway of the airport.

d. The shielding structure is within five hundred feet (500') of the structure that is proposed for construction or alteration.

e. It is evident beyond a reasonable doubt that the shielded structure will not adversely affect aerial navigation.

2. The proposed structure is an antenna that is no greater than twenty feet (20') in height, and does not increase the height of an existing antenna structure.

3. The proposed structure is an airport, aerial navigation, or meteorological device, of a type approved by the FAA, the location and height of which is fixed by function.

- B. No notice of proposed construction or alteration is required because the proposed structure does not lie within twenty thousand feet (20,000') of the nearest point of the nearest runway, or does not penetrate an imaginary surface, beginning at the nearest point of the nearest runway and at the elevation of the runway threshold, rising one foot (1') in elevation for each one hundred feet (100') of horizontal distance (100:1). This exception does not apply to structures located in any CA zone.
- C. There exists an emergency, involving essential public services, public health, or public safety, that requires immediate construction or alteration, providing that the applicant complies with the requirements of 14 CFR FAR, part 77.17 (d)¹ (Ord. 02-4055, 12-10-2002)

14-8A-9: NONCONFORMITIES:

- A. The regulations prescribed herein are not retroactive and shall not be construed to require the removal of any tree, or the reconstruction or alteration, or the discontinuation of any use of any structure made nonconforming by the adoption of this chapter.
- B. Nothing contained herein shall require any change in the construction or alteration, or the intended use of any structure, the construction or alteration of which was begun prior to the

effective date hereof, and which was conforming prior to the adoption of this chapter, and is completed within one year thereafter.

- C. No preexisting nonconforming structure, use, or tree shall be rebuilt, altered, allowed to grow higher, or be replanted, so as to constitute a greater airport hazard than it was at the time that these regulations were adopted.
- D. Whenever the building official or zoning administrator determines that a nonconforming structure has been abandoned, torn down, physically deteriorated, damaged, or decayed, to such an extent that its value is no greater than fifty percent (50%) of the average value of the structure and the land over the preceding ten (10) years, no building permit or occupancy permit shall be issued that would allow such structure to exceed the applicable height and use provisions of this article. Any tree so damaged or destroyed shall be subject to the provisions of subsection 14-8A-5G6 of this article.
- E. Notwithstanding the previous provisions of this section the owner of any preexisting nonconforming structure or tree shall be required to permit the installation, operation, or maintenance thereon of any markers and/or lights as shall be deemed necessary by the city or county to indicate to the operators of aircraft, the presence of such structure or tree. (Ord. 02-4055, 12-10-2002)

14-8A-10: AIRPORT ZONING COMMISSION: Pursuant to the provisions of section 329.9 of the Iowa Code, there

¹ See subsection 14-8A-19C, "Appendix III", of this article.

shall be an Iowa City municipal airport zoning commission, consisting of five (5) members, two (2) of whom shall be appointed by the city of Iowa City, two (2) of whom shall be appointed by the board of supervisors of Johnson County, and one additional member who shall be selected by a majority vote of the city and county appointed members, and who shall serve as chairperson of said commission. The terms of such members shall be as provided by section 329.9 of the Iowa Code. (Ord. 02-4055, 12-10-2002)

14-8A-11: AIRPORT ZONING BOARD OF ADJUSTMENT:

Pursuant to the provisions of section 329.12 of the Iowa Code, there shall be an Iowa City municipal airport zoning board of adjustment, consisting of five (5) members, two (2) of whom shall be appointed by the city of Iowa City, two (2) of whom shall be appointed by the board of supervisors of Johnson County, and one additional member who shall be selected by a majority vote of the city and county appointed members, and who shall serve as chairperson of said board. The terms of such members shall be as provided by section 329.12 of the Iowa Code. The airport zoning board of adjustment shall have the duties and powers established by the Iowa Code. (Ord. 02-4055, 12-10-2002)

14-8A-12: SPECIAL EXCEPTIONS:

- A. With the concurrence of a majority vote, the airport zoning board of adjustment (the board) may, based upon a written determination from the FAA, reverse any order, requirement, decision or determination of any administrative official and may modify the provisions of this article in favor of an applicant, providing:

- 1. Any height or use limitations contained in this article that is modified by the board shall not result in a hazard to any aircraft in flight.

- 2. No use of land shall be permitted that would not be compatible with airport operations.

- 3. Any application for a special exception to the provisions of this article shall include as a part thereof, the written determination of the FAA pertaining to the application, and no application shall be set for hearing by the board in the absence of such FAA determination. (Ord. 02-4055, 12-10-2002)

14-8A-13: VARIANCES:

- A. Any person desiring to construct or alter any structure, or permit the growth of any tree, or otherwise use property in a manner that would constitute a violation of this article, may apply to the board for a variance from these regulations. The board shall consider no application for a variance to the requirements of this article unless a copy of the application has been submitted to the airport commission for their opinion as to the aeronautical effects of such a variance. If the airport commission fails to respond to the board within forty five (45) days from its receipt of the copy of the application, the board may make its decision in the absence of the airport commission opinion. Such variances may be granted by the board only where the literal application of these regulations would result in unnecessary hardship, and are subject to the following:

1. Such variance would not be contrary to the public interest.

2. Such variance would be in the spirit of this article and of chapter 329 of the Iowa Code.

3. Such variance shall be granted subject to any reasonable conditions that the board may deem necessary to effectuate the purposes of this article and of chapter 329 of the Iowa Code.

4. Such variance be subject to the requirement that the applicant shall install, operate, and maintain such markings and lighting, at the applicant's own expense, as may be necessary to indicate to aircraft operators the existence of an airport obstruction as determined by the board.

5. Such variance shall be subject to the reservation of the right of the city and the airport, to go onto applicant's property to install, operate, and maintain thereon such FAA approved markers and lights as may be necessary to indicate to operators of aircraft the existence of an airport obstruction.

B. Any person aggrieved or affected by any decision of the airport zoning board of adjustment may appeal such decision, pursuant to the provisions of the Iowa Code. (Ord. 02-4055, 12-10-2002)

14-8A-14: ENFORCEMENT: Enforcement of the provisions of this article shall be the responsibility of the city manager or such persons as the city manager shall, from time to time, direct. However such duties of enforcement and administration shall not include any of the powers

herein delegated to the airport zoning board of adjustment. (Ord. 02-4055, 12-10-2002)

14-8A-15: EQUITABLE REMEDIES: The city or the airport may, pursuant to section 329.5 of the Iowa Code, maintain an action in equity to restrain and abate as a nuisance the creation, establishment or maintenance of an airport hazard, in violation of any provision established by this article, on any property, whether within or without the territorial limits of the city. (Ord. 02-4055, 12-10-2002)

14-8A-16: PROHIBITED ACTS: Except as herein provided, it shall be unlawful for any person to construct or alter any structure, use any land, or grow any tree in violation of the provisions of this article. (Ord. 02-4055, 12-10-2002)

14-8A-17: PENALTIES: Each violation of these regulations shall constitute a misdemeanor and the perpetrator thereof, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for not more than thirty (30) days, or both. Each day a violation occurs or continues to exist shall constitute a separate offense. (Ord. 02-4055, 12-10-2002)

14-8A-18: CONFLICTING REGULATIONS: In the event of any conflict between regulations contained in this article and any other regulations applicable to the same area, whether the conflict be with respect to height of structures or trees, use of structures or land, or any other matter, the more stringent limitation or requirement shall prevail. (Ord. 02-4055, 12-10-2002)

14-8A-19: APPENDICES:

- A. Appendix I: The controlling federal authority for the Iowa City municipal airport is:

Federal Aviation Administration,
Central Region
Office of the Manager, Airports
Division
901 Locust
Kansas City, MO 64106-2641

- B. Appendix II: Notice of proposed construction or alteration, FAA form 7460-1 shall be sent to:

Federal Aviation Administration
Manager, Air Traffic Division
901 Locust
Kansas City, MO 64106-2641

- C. Appendix III: Code of Federal Regulations Title 14-Aeronautics and Space Chapter 1-Federal Aviation Administration, Department of Transportation, Subchapter E-Airspace Part 77-Objects Affecting Navigable Airspace, Subpart B-Notice of Construction or Alteration (Current through December 3, 2002; 67 FR 71903)

§77.17 Form and time of notice.

(a) Each person who is required to notify the Administrator under §77.13(a) shall send one executed form set (four copies) of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. Copies of FAA Form 7460-1 may be obtained

from the headquarters of the Federal Aviation Administration and the regional offices.

(b) The notice required under §77.13(a)(1) through (4) must be submitted at least 30 days before the earlier of the following dates:

- (1) The date the proposed construction or alteration is to begin.
- (2) The date an application for a construction permit is to be filed.

However, a notice relating to proposed construction or alteration that is subject to the licensing requirements of the Federal Communications Act may be sent to FAA at the same time the application for construction is filed with the Federal Communications Commission, or at any time before that filing.

(c) A proposed structure or an alteration to an existing structure that exceeds 2,000 feet in height above the ground will be presumed to be a hazard to air navigation and to result in an inefficient utilization of airspace and the applicant has the burden of overcoming that presumption. Each notice submitted under the pertinent provisions of this Part 77 proposing a structure in excess of 2,000 feet above ground, or an alteration that will make an existing structure exceed that height, must contain a detailed showing, directed to meeting this burden. Only in exceptional cases, where the FAA concludes that a clear and compelling showing has been made that it would not result in an

inefficient utilization of the air-space and would not result in a hazard to air navigation, will a determination of no hazard be issued.

(d) In the case of an emergency involving essential public services, public health, or public safety that requires immediate construction or alteration, the 30-day requirement in paragraph (b) of this section does not apply and the notice may be sent by telephone, telegraph, or other expeditious means, with an executed FAA Form 7460-1 submitted within 5 days thereafter. Outside normal business hours, emergency notices by telephone or telegraph may be submitted to the nearest FAA Flight Service Station.

(e) Each person who is required to notify the Administrator by paragraph (b) or (c) of §77.13, or both, shall send an executed copy of FAA Form 117-1, Notice of Progress of Construction or Alteration, to the Manager, Air Traffic Division, FAA Regional Office having jurisdiction over the area involved.

(Ord. 02-4055, 12-10-2002)